

## SITE DEVELOPMENT PERMIT AMENDMENT

FILE NO.	HA93-028-02
LOCATION OF PROPERTY	5755 Cottle Road
ZONING DISTRICT	CG Commercial General
GENERAL PLAN DESIGNATION	Public/Quasi Public
PROPOSED USE	Site Development Permit Amendment to allow the installation of one, approximately 2,534-square foot modular building, for medical and administrative office uses, in the parking lot of the medical campus site (Kaiser Hospital), and related site improvements on a 6.71-gross acre site
ENVIRONMENTAL STATUS	Exempt pursuant to CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.
OWNER/ADDRESS	Julie Fitch Kaiser Foundation Health Plan, Inc. 284 Hospital Parkway, Building K San Jose CA 95119
APPLICANT/ADDRESS	HPS Architects, Margaret Williams, AIA 1237 E. Arques Ave., Ste. B Sunnyvale, CA 94085

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as following for this proposed project:

1. **Project Description.** This Site Development Permit Amendment is to allow the installation of one, approximately 2,534-square foot modular building, for medical and administrative office uses, in the parking lot of the medical campus site (Kaiser Hospital), and related site improvements on a 6.71-gross acre site. The location of the modular building will result in the removal of 23 parking spaces in the southwest parking lot. One new 24-inch box tree will be added in the southwest corner of the site's landscape area.
2. **Site Description and Surrounding Uses.** The subject 6.71-gross acre site is located at the northwest corner of Cottle Road and Beswick Drive, at 5755 Cottle Road. The site is generally bounded by Cottle Road to the east, Beswick Drive to the south and Makati Circle to the north and west. The entire site is developed with six medical office buildings and associated parking and landscaping. The subject site is surrounded by a grocery store, a fuel station and commercial uses to the west across Cottle Road, residential development to the north and west, across Makati Circle, and a bank and a commercial shopping center

to the south across from Beswick Drive.

3. **General Plan Consistency.** The subject site has an Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public. The Public/Quasi-Public land use designation is intended for a wide variety of public serving uses such as schools, hospitals, colleges, research institutions, fire stations and libraries. The existing hospital and medical office use conform to this General Plan designation. The proposed modular building, for medical and administrative office purposes, will be an incidental use to the existing medical office buildings (Kaiser Hospital), therefore, consistent with the General Plan.
4. **Zoning Conformance.** The project site is located in the CG Commercial General Zoning District. Pursuant to Section 20.100.610 of the City of San José Municipal Code, a Site Development Permit Amendment is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations. The project conforms in all respects to the provisions of Title 20 of the San José Municipal Code, including the development standards of the CG Commercial General Zoning District.
  - a. **Use.** The modular office building is considered an ancillary use as it only serves the on-site hospital care uses. Therefore, the proposed project will not change the existing permitted medical and administrative office uses on site.
  - b. **Setbacks.** The CG Commercial General Zoning District requires a minimum 15-foot front setback, and zero-foot side and rear setbacks. The modular building is set back approximately 28 feet from the property line parallel to Beswick Drive, and is more than zero feet from other sides, which meets the setback requirements.
  - c. **Height.** The proposed overall height of the modular buildings is approximately 15 feet, which is within the maximum allowed height of 50 feet, which meets the height requirement.
  - d. **Parking.** The project meets vehicle parking requirement as follows:

The proposed project will eliminate 23 parking spaces to site the new modular building. The new medical office uses in the 2,534-square foot modular building would require 11 parking spaces, at the rate of one vehicle parking space per 250 square feet of floor area. The total parking spaces required would be 33 spaces. The overall site currently requires 240 spaces for approximately 60,000 square feet of gross floor area of the existing medical buildings on site. With the new uses the site would require 251 parking spaces. The site currently provides 299 spaces, with 17 accessible stalls, to meet the parking requirement.
5. **Environmental Review.** Class 3 of Section 15303(e) (New Construction or Conversion of Small Structures) consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposal is to install a modular building on the site in an existing parking lot, which is considered a small ancillary structure to the primary hospital buildings on site and, therefore, exempt from further CEQA review.
6. **Site Development Permit Amendment Findings.** This Site Development Permit Amendment, does not negate any findings required by Section 20.100.940, of the Zoning

Ordinance. Chapter 20.100.950 of Title 20 of the San Jose Municipal Code which establishes required findings for issuance of a Site Development Permit Amendment.

The Director of Planning, Building and Code Enforcement concludes and finds, based on the analysis of the above facts, with respect to the Site Development Permit Amendment findings that:

- a. The Site Development Permit Amendment, as issued, is consistent with and furthers the policies of the General Plan; and

*Analysis: As described above, the project is consistent with and will further the policies of the General Plan. The project is not located in any Specific Plan or development policy areas.*

- b. The Site Development Permit Amendment, as issued, conforms in all respects to the Zoning Ordinance of the property; and

*Analysis: As discussed above, the project conforms to the building setbacks, height and parking requirement. The project proposes to remove 23 parking spaces, requires 11 additional parking spaces for the office uses proposed, for a total of 33 spaces, which will be accommodated within the 299 parking spaces available on site.*

- c. The Site Development Permit Amendment, as approved, is consistent with applicable City Council Policies, or counterbalancing considerations justify the inconsistency; and

*Analysis: The project has been noticed for public hearing to a radius of 500 feet, consistent with the Public Outreach City Council Policy. There are no other specific City Council policies for installation of modular structures on site.*

- d. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious; and

*Analysis: The project proposes a new one-story modular building with composite hardy frame siding materials, projected canopy at front entry stairs and ADA ramp, red window trims and a wood entry door. The building will be located on the southwest corner of the site, oriented towards Beswick Drive, and will not impede on the circulation or parking of the existing buildings on site. No other significant physical changes are proposed to the exterior of the existing primary buildings or structures as part of this permit. The project will utilize an existing 30-foot wide driveway, leading to the modular building, to accommodate the combination of the proposed uses on site, and will be aesthetically harmonious and mutually compatible with the existing buildings and the surrounding neighborhood.*

- e. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood; and

*Analysis: The proposed modular building will be accessed from an existing driveway off Beswick Drive, without altering the character of the surrounding neighborhood. The site's immediate surroundings consist of a mix of residential and commercial uses, and the proposed modular building will be one-story in height and layout, setback approximately 30 feet from south and west sides, and therefore, the project will be compatible and aesthetically harmonious to the character of the neighborhood. The site is currently aligned with mature trees and landscaping along the southern and*

*western boundaries. One new 24-inch box evergreen tree will be planted in the gap along the southwest peripheral landscape area of the site to provide additional visual barrier from surrounding uses, and the proposed project will be compatible and aesthetically harmonious to the character of the neighborhood.*

- f. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

*Analysis: The project will not cause any negative effect due to storm water runoff, drainage and erosion controls per the Final Memo issued by the Department of Public Works dated 9/10/20. The vibration and noise associated with construction will be temporary in nature, which will last only during the duration of the installation of the modular buildings. The construction hours will be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday. There are no hazardous substances or odors associated with the project. The project will not have an unacceptable negative effect on adjacent properties.*

- g. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.

*Analysis: There are no changes to the existing landscaping along Beswick Drive and the site will continue to be screened by existing mature trees and landscaping as viewed from public streets and driveways. One new 24-inch box tree will be planted to match existing peripheral trees on the southwest corner of the site, to provide additional screening. There are no outdoor activities or storage proposed and the utilities, irrigation systems, fences and trash facilities are existing with no proposed alternations and are sufficient to maintain or upgrade the appearance of the neighborhood.*

- h. Traffic access, pedestrian access and parking are adequate.

*Analysis: The proposed modular building will be accessed from an existing thirty-foot wide two-way driveway, from Beswick Drive, to access the proposed structure. Twenty-three parking spaces will be removed to accommodate the modular building. The site requires 251 spaces for the medical office buildings and new uses on-site and 299 parking spaces will be available to continue to meet the parking requirement on the site. New pedestrian access will be provided from Cottle Road as well as Beswick Drive to access the modular building, as shown in the approved plans. The project will not increase the intensity of traffic on the existing roads and public right-of-way, as per the Public Works Final Memo dated 9/10/20.*

In accordance with the findings set forth above, a Site Development Permit Amendment, for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.



**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Use Authority.** This Site Development Permit Amendment authorizes the installation of a 2,534-square foot modular building on the hospital site (Kaiser Foundation).
4. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
6. **Conformance to Plans.** The development of the site shall conform to the approved Site Development Permit Amendment plans entitled "Cottle 27-Behavioral Health-Modular Building Project," dated received August 6, 2020, on file with the Department of Planning, Building, and Code Enforcement, and to the San Jose Building Code (San Jose Municipal Code, Title 24), with the exception of any subsequently approved changes.

7. **Conformance with Previously Approved Zoning and Permits.** The project will continue to conform to the previous permit, Zoning, File No. **HA93-028-02**.
8. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance.
9. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code (SJMC).
10. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter/amend structures, conditions, or restrictions of this Site Development Permit Amendment incorporated by reference in this Permit in accordance with Chapter 20.100 of the SJMC.
11. **Landscaping.** One new 24-inch box tree is proposed to be planted in the southwest corner of the site and the existing and new landscaped areas shall be maintained and well-irrigated as shown in the approved plan set.
12. **Lighting.** No lighting plan is approved with this permit. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
13. **Tree Removals.** No tree removals are included with this permit. All trees larger than 38 inches in circumference, at a height of 54 inches above the natural grade slope, shall require a Tree Removal Permit issued by the Director of Planning. Existing tree canopies shall be protected during construction.
14. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit for a new building (excluding façade improvements to the existing buildings), the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, **HA93-028-02**, shall be printed on all construction plans submitted to the Building Division.
  - b. *Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
  - c. *Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any Building Permit issuance, Building Permit plans shall conform to the approved Planning development permits and applicable conditions.
15. **Fire Department Clearance for Issuing Permits.** The Fire Department's review was limited to verifying compliance of the project to Chapter 5, Appendix BB, Appendix C, and Appendix D of the 2016 California Fire Code (CFC) with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.
16. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits. Standard review timelines and submittal instructions for Public Works permits may be found at the following: <http://www.sanjoseca.gov/index.aspx?nid=2246>.

- a. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
- b. **Transportation:** Based on the operations information provided by the applicant, the project is exempt from a traffic analysis; therefore, no further traffic analysis is required.
- c. **Grading/Geology:**
  - i. A grading permit may be required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or submit a stamped and signed engineered design alternative for Public Works discretionary approval and must be designed to convey a 10-year storm event.
  - iii. The Project site is within the State of California Seismic Hazard Zone. However, based on the project scope, a geotechnical investigation report addressing the potential hazard of liquefaction does not need to be submitted to the City Geologist for approval prior to issuance of a grading permit or Public Works Clearance.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures and source controls to minimize stormwater pollutant discharges.
- e. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- f. **Flood: Zone D** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. **Street Improvements:**
  - i. Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.

- ii. Remove and Reconstruct a 30' wide Driveway on Cottle Road and a 30' wide Driveway on Beswick Drive to meet current City Standards. A street dedication may be required to obtain the appropriate minimum width.
  - iii. Improvement of the public streets shall be to the satisfaction of the Director of Public Works.
  - i. **Electrical:** Locate and protect existing electrical conduit in driveway and/or sidewalk construction.
  - j. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed behind back of walk. Obtain a DOT street tree planting permit for any proposed street tree plantings. Street trees shown on this permit are conceptual only.
  - k. **Referrals:** This project should be referred to the Santa Clara Valley Transit Authority. Routes 27 and 68 have a bus stop along the Cottle Road project frontage.
17. **Revocation, Suspension, Modification.** This Site Development Permit Amendment may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Site Development Permit Amendment was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.

**APPROVED** on this **14th day of October, 2020.**

Rosalynn Hughey, Director  
Planning, Building, and Code Enforcement

Deputy